DEPARTMENT OF WAR
DEFENSE OFFICE OF HEARINGS AND APPEALS

In the matter of:	)	
	)	
	)	ISCR Case No. 24-02239
	)	
Applicant for Security Clearance	)	

Appearances

For Government: William H. Miller, Esq., Department Counsel
For Applicant: Sean Rogers, Esq.

04/30/2026

Decision

BORGSTROM, Eric H., Administrative Judge:

Applicant mitigated the financial considerations, psychological conditions, and drug involvement security concerns. The Government did not establish the personal conduct security concerns. Applicant did not mitigate the criminal conduct and alcohol consumption security concerns. Eligibility for access to classified information is denied.

Statement of the Case

On March 27, 2025, the Defense Counterintelligence and Security Agency (DCSA) issued a Statement of Reasons (SOR) to Applicant detailing security concerns under Guideline G (alcohol consumption), Guideline H (drug involvement and substance misuse), Guideline I (psychological conditions), Guideline J (criminal conduct), Guideline F (financial considerations), and Guideline E (personal conduct). The DCSA acted under Executive Order (EO) 10865, *Safeguarding Classified Information within Industry* (February 20, 1960), as amended; DOD Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (January 2, 1992), as amended (Directive); and the adjudicative guidelines (AG) implemented on June 8, 2017.

In Applicant's May 31, 2025 response to the SOR (Answer), he admitted all of the allegations except SOR ¶¶ 3.a., 3.b., 3.d., and 5.a.-5.e. He provided additional information about the incidents and concerns alleged and argument as to the application of the mitigation conditions. He attached 15 documents, which he identified as A.1. through K.1.,

and he requested a hearing before a Defense Office of Hearings and Appeals (DOHA) administrative judge.[1] (Answer)

On June 23, 2025, the Government was ready to proceed to a hearing. I was assigned this case on September 30, 2025. The case was delayed when all administrative judges were furloughed from October 1 through November 12, 2025, during a federal government shutdown due to a lapse in federal funding. Applicant's counsel entered his appearance on November 14, 2025.

On November 17, 2025, a notice was issued scheduling the hearing for February 5, 2026, by video teleconference. At Applicant's request, the hearing was rescheduled for February 19, 2026, and it convened as rescheduled. The Government proffered 10 evidentiary exhibits, which I admitted as Government Exhibits (GE) 1 through 10, without objection. The Government also proffered two documents for administrative notice – excerpts from the Diagnostic and Statistical Manual of Mental Disorders – Fifth Edition (DSM-5) as Administrative Notice (AN) I and the resume (AN II) of the psychologist (Dr. B) who prepared the evaluation in GE 4. Applicant testified and submitted 16 exhibits, which I admitted as Applicant Exhibits (AE) A through P, without objection. Applicant's evidentiary exhibits included his attachments to the Answer.

At Applicant's request, I kept the record open until March 13, 2026, to provide him an opportunity to supplement the evidentiary record. DOHA received the hearing transcript on February 26, 2026. On March 12, 2026, Applicant provided five additional exhibits, which I admitted as AE Q through U, without objection. The evidentiary record closed on March 13, 2026.

Findings of Fact

Applicant is 46 years old. He graduated from high school in 1997, earned a certificate of completion from an aviation technical training center in 1998, earned two associate degrees in 2006, and earned a bachelor's degree in 2009. He also passed an engineering licensing exam in October 2025. From January 1998 to January 2003, he served on active duty in the U.S. Marine Corps (USMC), from which he received an honorable discharge. He held a secret clearance while serving in the military. He married in January 2002 and divorced in November 2002. He does not have any children. (GE 1; GE 5 at 1105, 1139-1141, 1148; Tr. 22-26, 73)

Applicant's employment history includes two layoffs prior to his incarceration from January 2018 until December 2020. From December 2020 to July 2022, he resumed working for his family's construction business. From July 2022 to about June 2023, he was employed full time as a development engineer for a federal contractor. From June 2023 to about September 2024, Applicant was employed as a test engineer for the federal

[1] Applicant's 171-page response to the SOR included attachments A.1. through K.1. Although some of these attachments were out of order, they appear to be complete and match the table of contents included. At the hearing, the attachments were grouped, i.e., attachments E.1-E.4 were admitted collectively as Applicant Exhibit E. Transcript (Tr.) at 19.

contractor sponsoring him for a security clearance. He appears to have taken a leave of absence or resigned while in treatment from mid-September to mid-November 2024. From mid-November 2024 to January 2025, he was employed full time by a private company. Since January 2025, he has been employed full time as an electronics installer for a private company. (GE 1; Tr. 69-71)

Criminal Conduct

The SOR alleges criminal conduct security concerns based upon multiple alcohol-related offenses (SOR ¶¶ 1.e.-1.g., 4.g), four counts of violating a protective order (SOR ¶¶ 4.b.-4.e.), a harassment charge (SOR ¶ 4.f.), and two felony offenses resulting in incarceration (SOR ¶ 4.a.). These security concerns are significantly intertwined with the alcohol consumption security concerns, *infra*. The alcohol-related offenses and other criminal conduct are all cross-alleged as personal conduct security concerns (SOR ¶ 6.a.). In his February 2023 e-QIP, under Section 22, Applicant reported the criminal conduct alleged in SOR ¶¶ 1.e., 1.f., 1.g., 4.a., and 4.c. (GE 1)

Although unalleged, the record evidence established a third driving under the influence (DUI) offense by Applicant, as referenced in the January 2026 psychological evaluation. At the DOHA hearing, Applicant admitted the DUI charge occurred in about 1997. I have not considered this DUI offense as disqualifying conduct but may consider it in my evaluation of the evidence in mitigation. (AE P; Tr. 134)

SOR ¶¶ 1.g., 4.g., 6.a. In August 1998, at age 17, Applicant was arrested and charged with DUI, a misdemeanor. His blood alcohol content was measured at approximately 0.16. He was court-ordered to attend alcohol counseling, and the charge was dismissed. During his August 2018 pre-sentencing psychological evaluation on the other charges, submitted by Applicant's then counsel, Applicant admitted that he had known he was "drunk before getting in the car." In his March 2025 response to DOHA interrogatories, he states, "I was left by my friends in the vehicle after consuming whiskey that they had purchased." (Answer; GE 1, GE 3, GE 4, GE 5 at 12, GE 6 at 42; Tr. 75-77, 132, 137)

SOR ¶¶ 1.f, 4.g., 6.a. In June 2004, Applicant was arrested and charged with public intoxication. In his Answer, he admitted consuming alcohol, but he denied he was intoxicated. At the DOHA hearing, he explained that he consumed alcohol with friends at a lake, and he exchanged words with a game warden. Applicant may have cursed, and he was arrested. He admitted that he was intoxicated at the time of the incident. He was not required to participate in any alcohol counseling or treatment for this offense. Adjudication of this charge was deferred. (Answer; GE 1; Tr. 77-80)

SOR ¶¶ 1.e., 4.g., 6.a. In June 2007, Applicant was charged with driving while intoxicated (DWI), a misdemeanor. In his Answer, he disputed whether the arresting officer had probable cause to charge him with DWI, but he admitted consuming alcohol prior to operating a motor vehicle. In September 2008, he pled no contest to this charge. He was sentenced to time served (two days in jail) and was fined approximately $324. At

the DOHA hearing, he admitted that he had committed a moving violation, was pulled over, and was administered a field sobriety test. He admitted that he had consumed too much alcohol to safely operate his vehicle. (Answer; GE 1, GE 3, GE 5 at 993; Tr. 81, 133)

SOR ¶¶ 4.f., 6.a. In about 2004, Applicant and S began dating, and their volatile, on-off relationship ended in late 2010. In February 2011, Applicant was charged with harassment, a misdemeanor, after he sent over 100 threatening emails to S including threats to kill her. In his response to DOHA interrogatories, Applicant admitted that he had a verbal altercation with S in 2008, while they were still dating. He remarked at the time, in an email, that if she ever caused him to be in jail he would kill her. He admitted that there were lots of arguments during their volatile relationship but that no physical altercations occurred. In his May 2025 Answer, he stated that he "refutes the [alleged] conduct" as to SOR ¶ 4.f. At the DOHA hearing, he admitted that there had been many email exchanges over the course of his relationship with S. He explained that S had retained some of the "not pleasant" emails and provided those to police. He admitted that he emailed S, during an earlier breakup, that if she were to put him in jail, "I'll fucking kill you" or something similar. He disputed the representation in the 2018 federal prosecutor's sentencing memorandum that he had sent over 100 threatening emails. (Answer at 25; GE 3, GE 5 at 11, GE 6 at 76; Tr. 27, 32, 51, 167-173)

In February 2011, a protective order was imposed against Applicant prohibiting any contact with S, her parents, and her sister, as part of a deferred prosecution agreement. This protective order expired in about February 2013. He was required to wear an ankle bracelet for approximately eight months to monitor his location. He was required to complete anger-management classes. Adjudication of the harassment charge was deferred and later dismissed in about September 2011. (Answer at 25; GE 3, GE 6 at 76; Tr. 27, 32, 51, 167-173, 199-200)

SOR ¶¶ 4.e., 6.a. In March 2011, Applicant was charged with violating a protective order, a misdemeanor. In his Answer, he states that he "refutes the conduct" and that the charge was dismissed in August 2011. There is no further evidence concerning this charge beyond its occurrence and its disposition. (Answer at 25; GE 3; Tr. 30, 51, 174)

SOR ¶¶ 4.d., 6.a. In January 2012, Applicant was charged with two counts of violating a protective order, a misdemeanor. He pled guilty as charged. He was sentenced to one year in jail, of which one year was suspended, and he was placed on probation for two years. In his Answer, he admitted the charge and the conduct. In his March 2025 response to the DOHA interrogatories, Applicant, in pertinent part, stated, "The violation of the protective order was because I had no respect for that court, and I can fully admit that I was in full contempt of court. The law had been created in a farce in order to take my firearms." As part of his probation, Applicant was required to attend counseling. After successful completion of probation in August 2013, the two charges were dismissed. (Answer at 25; GE 5 at 44, 996-1003, GE 6 at 76; Tr. 30, 177-179)

During the DOHA hearing, Applicant admitted that he sent multiple emails, which he did not deem to be threatening, to S in violation of the protective order. He further admitted that he had "an unhealthy drinking pattern" at the time and would "binge-drink" at times. He admitted that he knew at the time that he was prohibited from contacting S due to the protective order, and he admitted that he did not respect the court that had issued the protective order. Applicant testified that he was released from probation early because "there was no threatening conduct in that case;" however, there is no corroborating evidence as to the judge's reasoning in the record. (Tr. 31-33, 174-177)

SOR ¶¶ 4.c., 6.a. In November 2014, Applicant was charged with violation of a protective order (with two or more previous convictions), a felony. In October 2014, Applicant sent an email to S's mother. S's parents then filed a protective order. This protective order expired in about October 2016 and prohibited Applicant from communicating with S, her sister, and her parents. Applicant then sent an apology letter to S's parents in violation of the protective order, precipitating the November 2014 felony charge. At the DOHA hearing, Applicant admitted that he "was under the influence of alcohol" when he sent the email to S's mother. He denied the email was threatening but admitted that he "expressed frustration" to S's mother in the email. The November 2014 charge was considered a felony offense based on the two prior convictions for violation of a protective order. Applicant contended that these prior convictions had been vacated upon the judicial clemency and dismissal of the charges in August 2013, discussed *supra*. Significant litigation, frustration, and employment problems were endured by Applicant at the reinstatement of these charges, whether due to clerical error, impropriety, or the misinterpretation of the prior dismissal. Applicant was required to wear an electronic monitoring device for several months, and he completed a 12-hour alcohol and drug education class in April 2015. This charge was dismissed in September 2017. (Answer; GE 1, GE 4, GE 5 at 44-45, 999-1003, 1164, GE 6 at 39; Tr. 52, 179-183, 203-205)

SOR ¶¶ 4.a., 4.b., 6.a. In about September 2017, Applicant relocated from State A to State B, where he grew up and his family still lived and operated a construction business. His move was prompted by the dismissal of the criminal charges in State A, a desire to distance himself from his previous volatile relationship, and to rebuild his engineering career. As discussed below, Applicant's alcohol consumption had significantly increased in the years prior to his return to State B. He attributed his criminal charges in State A to a conspiracy between S and her sister, misconduct by the prosecutors and court clerk, and injustice by the judge(s). (Answer; Tr. 201)

The circumstances precipitating Applicant's federal felony charges are delineated in the affidavit of the special agent with the Federal Bureau of Investigation (FBI), as part of the criminal complaint. This agent had over 22 years of experience with the FBI and had reviewed the electronic communications sent by Applicant to S, her parents, and others. The affidavit, in pertinent part, reads:

> Between November 2016 and January 22, 2018, Applicant sent hundreds of harassing and threatening communications [on] the Internet to [S], the family of [S], and the three state prosecutors identified above. All of these

> individuals have expressed extreme fear for their safety. [S] is currently in hiding from [Applicant] with the assistance of the FBI. The family of [S] have [sic] hired armed security guards to protect their home. The state prosecutors have informed the FBI that they believe their lives are at risk and the life of [S] is in serious jeopardy. (GE 6 at 9)

The agent's affidavit excerpted the following electronic communications, including social media posts and emails, as a sample:

> On a YouTube page of the band in which the husband of a state prosecutor was a member, Applicant posted, "Snitches get stiches [sic] punk."
>
> "No matter how much I hate you people there will be no bloodshed. Unless you try to jail me. Then people will die" (November 29, 2017 email)
>
> "I have no protection from your wickedness. None. I will bear arms against you. I will exterminate you if you continue to be a pest to me and my life" (January 14, 2018 email)
>
> "Pink mist your grape."
>
> "Better practice. Because my AR15 will smoke you from 500 yards. Pink mist. Grape clean off your skull. Dead. Nobody will care."
>
> "To your states lawyers. I know where they all live too. So they should fear the reaper too."
>
> [To S's parents] "I'll murder your whole fucking family just like you've tried to murder mine"
>
> "And it's 8AM and I'm as sober as a Judge. I have nothing better to do than to fuck you up because you have seemingly done everything in your power to get my undivided attention. Respectfully, [Applicant]" (GE 6 at 9-13)

In about December 2017, Applicant was charged with violation of a protective order (SOR ¶ 4.b.) in State A. At the DOHA hearing, Applicant explained that the November 2014 charge, which had been dismissed in September 2017, was refiled in December 2017. He testified that he had no contact with S or her family between October 2014 and September 2017. The refiling of the charges triggered Applicant's electronic communications. In January 2018, Applicant was charged with two federal felony offenses – (1) transmitting in interstate commerce communications containing threats to injure the person of another; and (2) intent to harass or intimidate another person using an interactive communication service, engaged in a course of conduct that placed a person in reasonable fear of death or serious bodily injury (SOR ¶ 4.a.). In about January 2018, Applicant was also charged with three counts of retaliation, a felony, for threatening communications to the three state prosecutors involved with his criminal matters. The

retaliation charges were later dismissed as part of a plea agreement. (GE 1; GE 6 at 2; Tr. 52, 183)

Applicant remained in jail pending the disposition of the federal offenses. As part of a plea agreement, he pled guilty to the two federal felony offenses, *supra*. In September 2018, he was sentenced to 41 months in prison followed by 36 months of supervised release. In his pre-sentencing submission, Applicant stated, in pertinent part, "First and foremost, I want to apologize to all of those who have been affected by the vile, caustic, and threatening messages that I sent." Attached to the pre-sentencing submission was a letter of Applicant's father, which, in pertinent part, reads, "make no mistake here, he was 95% responsible for what he did." He also described Applicant as a "drunken alcoholic" who did not remember sending the emails and texts referenced in the criminal complaint. As discussed further *infra*, Applicant's pre-sentencing submission included an evaluation from a psychiatrist (Dr. W), who diagnosed Applicant with alcohol use disorder (AUD), severe. During his incarceration, Applicant participated in alcohol treatment, as discussed *infra*. As part of the plea agreement, a protective order was imposed against Applicant prohibiting all contact with his S, her parents and sister, and the three prosecutors involved in the cases against Applicant. Applicant was released from prison in December 2020 and was placed on supervised release or probation. One condition of probation was no alcohol consumption. In May 2023, he was released early from supervised probation. (GE 1-3, GE 6 at 47-49, 53, 73, 84-87; Tr. 54)

On his February 2023 e-QIP, Applicant reported his felony offenses and incarceration; however, he denied any criminal intent by his actions and claimed that his emails were "sent in jest." In his addendum to the e-QIP, he attributed his criminal charges to "an abusive relationship" and a "biased court." (GE 1-2)

In his March 2025 response to DOHA interrogatories, Applicant attributed his prison sentence to improprieties by S's sister and the prosecutors. He claimed that only two emails contained threatening communications and [a]ll other communication I sent was non-threatening" and protected speech. "I did not send threatening emails to her, but I paid for my relationship with her by losing my guns, my career, my house, and my fiancé." He denied any direct threats to the three prosecutors because the communications were not sent directly to those individuals, and he repeatedly stated that all threats were "in jest." He described the state court proceedings in State A to be a "biased court run by elected activist judges" and that S and her sister had conspired to file police reports against him to oppress him.

> I take issue when the rules are being broken in such a way so that they may be used in an underhanded manner to attack or oppress me. The criminal prosecution of me in [State A], leading all the way to the federal criminal case, was a sham prosecution and a kangaroo court that was set up by [S] and sister. He speculated, without any supporting evidence, that the state prosecutors were likely drug users. (GE 5 at 4, 7-11, 13, 30, 45)

Later in his March 2025 response to the DOHA interrogatories, Applicant admitted that he did, in fact, send threatening communications to S in about January 2018, given his frustration at the refiling of previously dismissed violation of protective order charges. "I accept responsibility for the part I played and it was absolutely wrong in the federal case, but I did not deserve the excessive sentence that I received." (GE 5 at 41, 46)

At the DOHA hearing, Applicant testified that the December 2017 charge (SOR ¶ 4.b.) was a refiling of the dismissed November 2014 charges (SOR ¶ 4.c.). He explained that he had endured significant hardship due to the "ongoing legal battle." He agreed that excessive alcohol consumption contributed to his poor judgment to send electronic communications to S and others. He testified that he "took responsibility for what [he] did," but he denied any intent to cause S or anyone else any harm. He did recognize "the fear and discomfort receiving messages like that would cause somebody." He denied any contact with S or any of her family members since January 2018. (Tr. 53-56, 205)

At the DOHA hearing, Applicant was confronted by his inconsistent statements about his culpability regarding the January 2018 offenses. He admitted that he had composed and sent the emails and social-media posts referenced in the federal prosecutor's pre-sentencing memorandum. When questioned about his repeated references that the emails were sent "in jest," he explained that he did not plan to act on the threats in the emails:

> And when I say it was in jest, I mean, it was. I mean, I didn't want anyone to – I had – it was such a terrible relationship, and it was so difficult for me. It broke my heart into 1,000 pieces and I couldn't ever get passed it because everything around me was consistently dragging me back into it. . . . I apologize, I'm not trying to be defensive. I sent these messages. I did send it. I was intoxicated when I sent them. (Tr. 188)

Applicant admitted that threats were made and that the recipients of the emails perceived the messages as threats. He also admitted that he sent a video clip from the movie "There Will Be Blood" to one of the state prosecutors and posted the comment referenced *supra* on the YouTube page of the husband of a state prosecutor. (Tr. 188-197, 205, 219)

Applicant explained that his references in his Answer to the "false narrative" were based on his perceived portrayal as the only person responsible for the toxic relationship and his belief that false allegations against him in State A lit the fuse that caused him financial and professional problems and triggered his threatening communications in late 2017 and January 2018. He admitted that S had never initiated contact with him since their breakup in late 2010, and he denied ever tracking S as alleged in the FBI agent's affidavit. (Tr. 188-194)

At the DOHA hearing, Applicant testified that he had filed a petition to set aside the verdict due to errors in the sentencing. He claimed that *ex parte* evidence was considered at sentencing. He also filed a motion for ineffective assistance of counsel. Both the petition

and motion were dismissed. He has filed a petition for presidential pardon which remained pending as of the DOHA hearing. (GE 5 at 1007-1016; Tr. 184-186)

Alcohol Consumption

The SOR alleges alcohol consumption security concerns arising from Applicant's binge consumption of alcohol (SOR ¶ 1.a.), alcohol-related offenses (SOR ¶¶ 1.e.-1.g.), alcohol consumption in violation of probation conditions (SOR ¶ 1.c.), and diagnoses of AUD, severe (SOR ¶¶ 1.b. and 1.d.).

SOR ¶¶ 1.e., 1.f., 1.g. As discussed above, Applicant was charged with three alcohol-related offenses, in October 1998, June 2004, and June 2007. The record evidence established that he committed the underlying conduct for these three offenses. In addition to the alcohol-related offenses, he attended a 30-day intensive outpatient program for alcohol treatment are required by the violation of protective order charge in 2012. He was court-ordered to complete an alcohol class in 2014 for violating a protective order. (GE 4; Tr. 75, 138)

On his February 2023 e-QIP, under Section 24, Applicant reported that he was ordered to attend 10 Alcoholics Anonymous (AA) meetings following his 2007 DWI. He also attended a 30-day intensive outpatient program (IOP) from February to March 2022, as required by his probation. (GE 1)

SOR ¶¶ 1.a. and 1.d. Prior to his September 2018 sentencing, Applicant was evaluated by a psychiatrist (Dr. W), on behalf of Applicant's request for a downward departure in sentencing. Dr. W reviewed Applicant's criminal history, including the prior offenses for violating a protective order. Dr. W noted that Applicant had threatened to kill S in an email back in 2011, resulting in one of the charges. An email sent by Applicant to S's mother in 2013 or 2014, while he was intoxicated, resulted in a protective order, an apology letter, and a violation of a protective order charge due to the apology letter. During his clinical interview, Applicant reported that, by late 2014, he was consuming 12 beers and a fifth of liquor daily. While intoxicated, he placed a belt around his neck and tried to hang himself on a door jamb (SOR ¶ 3.d.). The summary of the clinical interview quotes Applicant as saying, "[It almost worked], but I came to and realized that I almost died, . . . and I realized that I was gonna die and was weak from it." Between 2015 and January 2018, Applicant continued to consume alcohol nearly daily. Upon his return to State B, a drunken argument with his stepmother caused him to be kicked out of the house. He explained that he was drunk, even when he claimed to be sober, when he emailed S and her parents in late 2017 and early 2018. Applicant denied that he had an alcohol problem, but he acknowledged that he made bad decisions when drinking. He also admitted that he had experienced suicidal ideation in November 2017 and had sought assistance at a Veterans Affairs (VA) Medical Center (SOR ¶ 3.c.). Dr. W diagnosed Applicant with AUD, severe, and concluded that Applicant had little insight into his AUD and ascribed his problems to others. (GE 6 at 27, 39-43, 45)

While incarcerated, Applicant attended the Residential Drug Abuse Program (RDAP) from January to November 2019. He was diagnosed with AUD, severe. The RDAP treatment summary outlines Applicant's binge consumption of alcohol and frequent blackouts (SOR ¶ 1.a.). His alcohol consumption increased to the point he was drinking to intoxication nearly daily. Prior to his January 2018 arrest, he was binge drinking and blacking out multiple days a week. The licensed psychologist noted, "[Applicant] struggles with unhealthy relationships, negative peers, and awfulizing." Upon discharge from RDAP, his prognosis was guarded due to continued exposure to unhealthy relapses, impulses, and cravings. He completed 500 hours of treatment at RDAP and received a certificate of completion. At the DOHA hearing, he admitted that during his RDAP treatment, he was recommended to abstain from alcohol in the future. (GE 1, GE 5 at 1072-1074, 1160; Tr. 55, 138)

As a condition of his probation, Applicant was prohibited from consuming any alcohol. He was also required to attend six alcohol counseling sessions. After Applicant's probation officer learned that he had consumed alcohol in December 2022, the probation officer required him to attend counseling. From December 2022 to June 2024, he attended bi-weekly counseling through the VA. He remained abstinent from December 2022 to April 2023. Through the VA, Applicant received monthly medication to curb alcohol cravings. (GE 1; GE 5 at 77, 1023-1034)

From December 2022 to June 2024, Applicant participated in alcohol rehabilitation and worked with a licensed mental-health counselor (Mr. D). In his February 2025 letter, Mr. D explained that he and Applicant met regularly to address cognitive and behavioral patterns that led to his incarceration. Applicant reported infrequent alcohol consumption and later represented that he had abstained from alcohol. Mr. D and Applicant also addressed recognizing the signs of maladaptive anger and tools for managing self-destructive, impulsive behavior. Applicant stopped attending counseling with Mr. D because Applicant believed he did not need any further counseling. From December 2022 to June 2024, he attended AA meetings approximately once a month, but continued to consume alcohol. (Answer at 122; Tr. 102-106)

At the DOHA hearing, Applicant admitted SOR ¶ 1.a. He admitted that he consumed alcohol sporadically between ages 14 and 17, though he did experience a blackout the first time he consumed alcohol. (Tr. 74-75)

SOR ¶ 1.b. In July 2024, Applicant was interviewed by Dr. B, a psychologist, as part of his background investigation. During the clinical interview, Applicant admitted the two drunk-driving offenses, the 2004 public intoxication offense, and charges for violation of protective orders in 2012, 2014, and 2017. He explained that he sent "over 100 emails in 'jest' and he was intoxicated at the time." As of the interview, he claimed that he was not prescribed any medications and had not been diagnosed with any mental-health conditions. He reported that he consumed six to nine beers twice a month between 2003 and 2018 and that he consumed liquor on the nights he sent threatening emails. He was aware, at the time of the interview, that his alcohol consumption was negatively impacting his work performance, professional relationships, personal relationships, and finances.

He admitted that he consumed alcohol on approximately four occasions while on probation. As of the July 2024 interview, he consumed a six-pack of beer and "one or two nips" about once a month, and he admitted that he consumed alcohol as a coping mechanism. Dr. B noted that the quantity and frequency of Applicant's alcohol consumption met the criteria for binge drinking. Applicant confirmed counseling sessions and treatment, as discussed above following his 1998 DUI offense, while on probation in 2012, during his incarceration, and while on supervised probation. He also admitted that he attended approximately 48 counseling sessions between 2012 and 2016. (GE 4; Tr. 108)

During the clinical interview, Applicant addressed other hospitalizations, mental-health incidents, and marijuana use, which will be discussed *infra*. He admitted that he attended AA meetings monthly since December 2022 and had an AA sponsor since June 2024. Dr. B concluded that the risk to judgment and reliability was high because Applicant was not engaged in individual psychotherapy or prescribed any medications for alcohol cravings. Dr. B concluded that Applicant's "judgment regarding his alcohol use is poor" and recommended weekly psychotherapy. Noting the interconnectivity of Applicant's alcohol consumption and his criminal conduct, Dr. B stated:

> Given that [Applicant] has had several incidents involving communicating threats and disruptive behavior while intoxicated, he is at increased likelihood to have another incident. In addition, despite attending various treatments and being arrested and incarcerated for his actions while impaired, he continues to consume alcohol. (GE 4 at 6-8)

At the DOHA hearing, Applicant clarified and corrected his alcohol consumption while on probation and prior to his September 2024 treatment. He disagreed with Dr. B's conclusions. (Tr. 83-84, 100)

Applicant's biweekly alcohol consumption continued until September 21, 2024. He last drank to intoxication on September 20, 2024. From October 2, 2024 to November 13, 2024, Applicant attended a 45-day residential treatment program at the VA Substance Abuse Residential Recovery Treatment Program (SARRTP). He received psychiatric medication and medication to curb his alcohol cravings. During treatment, he admitted that he had abstained from alcohol from his December 2020 release until April 2021, but he had resumed alcohol consumption in part due to pressure from a former girlfriend. The treatment coordinator (Dr. V) reported that Applicant was actively engaged in treatment and selected as a community leader. He noted, "[Applicant's] behaviors [appear] to be consistent with someone firmly rooted in recovery." He was diagnosed with AUD, severe, and his prognosis was excellent by a SARRTP psychiatrist (Dr. F). The VA staff psychologist (Dr. SW) confirmed Applicant's completion of the 6-week program and his initial engagement with the aftercare recommendations for continued treatment. Dr. SW noted that, conditioned upon his sobriety and continued focus on his emotional health, Applicant's prognosis is good. Applicant testified that he engaged in aftercare, which consisted of group counseling sessions three times a week for approximately two months. (Answer at 16, 69, 123-125, 132; GE 2, GE 5 at 25, 1077-1079; Tr. 34-36)

In an affidavit dated December 19, 2024, Applicant expressed his intent to abstain from alcohol going forward. He repeatedly expressed his intent to abstain from alcohol in the future; however, in his Answer, he conditioned his abstinence upon his access to classified information. (GE 5 at 69-72)

During his February 6, 2025 VA medication management visit, lasting 19 minutes, Applicant reported that he had self-initiated his own taper of his antidepressant medication. The psychiatrist (Dr. S) advised against a self-initiated decrease as it may trigger depression symptoms and alcohol consumption. Dr. S recommended a controlled taper of the psychiatric medication. Applicant did not follow medical advice to taper his antidepressant and ceased all use on February 4, 2025. Dr. S diagnosed Applicant with AUD, moderate; major depressive disorder, recurrent; and anxiety disorder. (GE 5 at 7, 1018-1021)

In his March 2025 response to DOHA interrogatories, Applicant reported that he had discontinued his use of an antidepressant in February 2025 but that he continued to receive monthly injections of a medication to curb his alcohol cravings. He admitted that he had consumed alcohol between April 2021 and December 2023, in violation of the conditions of his probation (SOR ¶ 1.c.). He further noted, "Since 2018, I have all but abstained from using alcohol completely outside of some experimental drinking in moderation." He explained that he did not attend AA meetings regularly because his AA sponsor had labeled him an alcoholic, and Applicant did not view himself as an alcoholic. He admitted that he had consumed alcohol biweekly as recently as September 2024 and that he had last consumed alcohol to intoxication in September 2024. (Answer at 10, 26; GE 5 at 7, 9, 22, 25, 71-72; Tr. 85)

With his Answer, Applicant included an updated letter from Dr. S, his VA treating psychiatrist. In May 2025, Dr. S observed that Applicant, through self-reporting, had maintained his sobriety since September 21, 2024, had been compliant with treatment, and proffered a "very good prognosis." (Answer at 9, 140)

At the DOHA hearing, Applicant addressed his alcohol consumption since his release from incarceration. He admitted that he had consumed as many as four beers on approximately 12 occasions while on probation. He testified that the increased alcohol consumption referenced in Dr. B's report – six beers and two liquor drinks every two weeks – only occurred for about a 90-day period prior to his September 21, 2024 admission into alcohol treatment. He admitted that, during this 90-day period, he would consume as much as a fifth of liquor in one sitting. He explained that he had started to feel hopeless about his future, particularly his engineering career, and his alcohol consumption increased between June and September 2024. He confirmed that he had consumed a six-pack of beer and a pint of liquor the day before he went to alcohol treatment, but that he had not consumed any alcohol since September 20, 2024. He testified that he did not consider this three-month period of heavier alcohol consumption to be a "relapse" because he did not have "a total loss of control." (Tr. 34, 86-97, 100; GE 5 at 17, 21)

SOR ¶ 1.c. At the DOHA hearing, Applicant admitted that he had consumed alcohol on probation, in violation of the conditions of his probation. He understood, at the time, that he could be sentenced to up to a year in jail for violating the conditions of his probation. Although he admitted to Dr. B that he had consumed a six-pack of beer and a couple of shots ("nips") of liquor on four occasions during probation, he testified that he had, in fact, consumed as many as four beers on 12 occasions during probation. His probation officer learned of his alcohol consumption following a December 2022 incident between Applicant and his girlfriend (F), and she required Applicant to attend alcohol counseling with Mr. C. In December 2022, Applicant and F had a verbal altercation, law enforcement officers were called by F, and Applicant was asked by law enforcement officers to leave F's residence. F filed a protective order claiming that Applicant had pushed her. A protective order was never granted by the court. Applicant admitted that he had consumed two beers prior to the altercation, denied that he was intoxicated, but acknowledged that his alcohol consumption contributed to the incident. Applicant had not disclosed his alcohol consumption to his probation officer prior to this incident. Applicant and F broke up in December 2022 but resumed their relationship in late 2024. (GE 1; Tr. 114-124, 140-143)

On January 12, 2026, Applicant was evaluated by a psychologist (Dr. K). Dr. K reviewed the SOR, Applicant's response to the DOHA interrogatories, two hair-follicle tests, Dr. W's evaluation, Dr. S's letter, the RDAP treatment summary, Clinician D's letter, and Dr. B's evaluation. During the clinical interview, Applicant again denied any "direct threats" to S and others through his electronic communications; however, he acknowledged that his conduct was "terrible" and "bad." He also admitted that he put a belt around his neck in late 2014 but denied initiating hanging. He also admitted three drunk driving arrests during the interview. Dr. K diagnosed Applicant with AUD, severe, in sustained remission, and determined that he had a good prognosis. (AE P)

At the DOHA hearing, Applicant denied any cravings for alcohol and denied having any alcohol at his residence. He and his current girlfriend (F) have been together since about December 2024, after they had taken a two-year break. F no longer consumes alcohol; however, she had been the girlfriend, who, at the time, had pressured Applicant to consume alcohol. From about September 2024 to October 2025, Applicant took a monthly injection of medication to curb his alcohol cravings. Since October 2025, he has taken a self-administered daily oral medication, which he had forgotten to take two or three times. He did not believe he was addicted to alcohol, but he recognized his alcohol consumption contributed to some of his problems. Although Applicant attended some AA meetings while in treatment in late 2024, he has not attended any meetings since November 2024. He does have a group of friends whom he met through VA treatment, and he meets monthly with Ms. D, a licensed substance abuse counselor with the VA. He testified that he understood the importance of maintaining his sobriety while serving as an engineer with a federal contractor. (Tr. 34-39, 67-68, 94, 101, 108-109, 112-113, 116, 131, 144-145, 207)

Applicant testified that he tested negative for alcohol following a hair-follicle screening in July 2025. During a February 27, 2026 Phosphatidylethanol (PeTH) test, Applicant tested negative for alcohol. (AE R, AE S; Tr. 145)

Psychological Conditions

The SOR alleges psychological conditions security concerns based upon Applicant's actions in pursuit of a suicide attempt in 2014 (SOR ¶ 3.d.), a November 2017 hospitalization (SOR ¶ 3.c.), a law enforcement welfare check following Applicant's statements in August 2022 about harming himself (SOR ¶ 3.b.), and a July 2024 psychological evaluation (SOR ¶ 3.a.).

On February 20, 2023, Applicant certified and submitted an Electronic Questionnaire for Investigations Processing (e-QIP). Under Section 21 – Psychological and Emotional Health, he reported that he was court-ordered to attend counseling in February 2011 and a protective order was placed against him. He also reported that, in January 2012, he pled guilty to violation of a protective order, was required to attend counseling, and voluntarily participated in a psychiatric evaluation. He admitted that, in June 2014, a protective order was placed against him, and he attended mental-health counseling. He further admitted that, under the terms of his April 2018 sentence, he was required to attend counseling. He denied ever having "been diagnosed with any mental illness or disorder." He reported that, in August 2022, following an argument with his brother, he was hospitalized following a welfare check by law enforcement officers. (GE 1)

SOR ¶ 3.a. As discussed above, in July 2024, Dr. B, a licensed psychologist, evaluated Applicant as part of his background investigation for access to classified information. Following a clinical interview and the review of medical and mental-health treatment records, Dr. B noted concerns as to Applicant's impulsivity, ongoing alcohol misuse, and suicidal ideation, compounded by Applicant's discontinued psychotherapy. Dr. B concluded that Applicant's mental-health symptoms could pose a risk to his judgment, reliability, and trustworthiness. (GE 4)

Dr. B's evaluation, in pertinent part, reads:

> Due to the recency and severity of felony charges, ongoing alcohol misuse, demonstrated impulsivity, and suicidal ideation (2022), it does not appear that Mr. Bishop has been successful in mitigating the impact of his mental health and alcohol misuse challenged. He denied accountability for his actions and reported that his suicidal text to his mother in 2022 and the many emails to his ex-girlfriend threatening her, her family members, and several lawyers were in "jest." Statements, such as the one noted above, are consistent with a lack of insight. (GE 4 at 7)
>
> [Applicant's] mental health symptoms and subsequent behaviors could pose a significant risk to his judgment, reliability or trustworthiness

> concerning classified information. Additionally, the risk to judgment and reliability of any future mental health problems is high as he is not currently engaging in individual psychotherapy or prescribed any medication for alcohol cravings. Furthermore, he has recently failed to maintain consistent involvement in mental health treatment. [Applicant] would benefit from regular weekly therapy. We would also benefit from consultation with a psychiatric provider regarding the appropriateness of medication for helping him manage his symptoms. It is recommended that treatment focus on coping with stressors, abstaining from alcohol, reducing impulsivity, and decreasing isolation. (GE 4 at 7)

As to Applicant's perspective as to his criminal conduct, he told Dr. B, "I am only a criminal because they created a false narrative." At the DOHA hearing, Applicant agreed with Dr. B's conclusions as to his problematic alcohol consumption. (GE 4 at 7-8, Tr. 50; AE II)

SOR ¶ 3.b. On August 7, 2022, law enforcement officers were contacted by Applicant's brother, and the officers viewed the text message from Applicant to his mother discussing putting a bullet in his own head. Upon the officers' arrival at Applicant's residence, Applicant admitted to the officers that he had been feeling suicidal recently due to some family issues. He refused to open his door. Law enforcement officers contacted paramedics, who determined that Applicant needed to be transported to a hospital for a mental-health evaluation. Applicant refused, tried to lock his front door, and was tased by law enforcement officers. He resisted arrest with two officers and was tased a second time. The reporting officer noted that he learned that Applicant was on federal probation after the incident had concluded. (GE 4, GE 7 at 3-4)

During the July 2024 clinical interview with Dr. B, Applicant admitted that in August 2022, he told his mother in a text message that he was suicidal. He explained that his text message to his mother was "in jest." He reported that he attended some counseling sessions through the VA between December 2022 and March 2024. (GE 4)

In his March 2025 response to DOHA interrogatories, Applicant explained that he had been talking with his mother about a veteran and close friend who had committed suicide and juxtaposed that friend's struggles with his own. His mother interpreted his observations as suicidal in nature. He stated something to the effect of "maybe it would be better off if I had put a bullet in my head too." Applicant stated that he spent several hours trying to convince the officers to leave. He was later tased and brought to the hospital. He was later released after he recanted his claim of suicidal ideation. (GE 5 at 7-8)

At the DOHA hearing, Applicant admitted that he had consumed approximately four beers prior to the arrival of law enforcement officers. Following tension about the succession plan for the family business, he had sent a text to his mother about shooting himself, but that the comment was "just hyperbole." He admitted that the law enforcement officers wanted to enter his residence and for him to come with them to the hospital. He refused their entry and to go to the hospital. He was then tased, taken to the hospital, and

later released. He denied that he was uncooperative with the police officers, and he assumed, without any supporting evidence, that the officers were aware of his probation status. (Tr. 48-50, 140, 159-164)

SOR ¶ 3.c. He admitted that he had voluntarily sought mental-health treatment in 2017 at a VA Medical Center. He was hospitalized overnight. "They kept me overnight in a locked unit, gave me Ativan [a prescription medication], and I went home the next day." He denied any suicidal ideation at the time. At the DOHA hearing, Applicant admitted that he had voluntarily sought hospitalization for mental-health concerns because he realized that he needed some help dealing with stressors. He recalled staying in the hospital overnight and being released the next day. He did not pursue any mental-health counseling following that hospitalization. (Tr. 47-48, 155-157)

SOR ¶ 3.d. As discussed above, during his August 2018 pre-sentencing interview with Dr. W, Applicant admitted that he had placed a belt around his neck and had initiated the act of hanging himself from a door jamb. During his July 2024 clinical interview, he admitted to Dr. B that he had contemplated suicide in 2014 after his arrest, but he denied attempting suicide. In his Answer, he denied attempting suicide in 2014. During his January 2026 clinical interview with Dr. K, Applicant admitted that he put a belt around his neck in late 2014 but denied initiating hanging himself. (Answer; GE 4, GE 6; AE P)

In his November 2024 addendum to the February 2023 e-QIP, Applicant attributed his career problems and criminal charges to "an abusive relationship" and a "biased court." He described his circumstances as "[a] continuing miscarriage of justice." In his March 2025 response to DOHA interrogatories, he claimed that he never read the pre-sentencing psychiatric evaluation prepared by Dr. W, and he described the July 2024 psychological evaluation of Dr. B as a "biased ambush." He opined that the OPM investigator who interviewed him in June 2023 was biased against Applicant given the investigator's previous employment as a criminal investigator and had "skewed" his or her investigation of Applicant. With his Answer, he submitted a civil rights complaint, filed in a separate incident in an unrelated case, that named one of the more than four responding officers in the August 2022 incident. He claimed the officers "really wanted to tase" him, that he cooperated throughout the August 2022 incident, and that the police report was fabricated. (Answer at 17-18, 21, 83-116; GE 2, GE 5 at 14, 52)

At the DOHA hearing, Applicant denied that he attempted suicide in 2014. He admitted that he had "suicidal ideation with preparatory thing." He admitted that he had thought about suicide and had discussed a certain method for such. He denied any "concrete plan" to commit suicide. Confronted with the statements in Dr. W's report that Applicant initiated hanging himself, noting the quotation marks used to signify Applicant's own words to Dr. W, Applicant responded:

> Because that's not true. That's not what I said. It's mischaracterized, like many things in this report are. I did not object to the report because I was incarcerated and I – and this was written in such a way and ordered by my

family to get me out of jail. And I'm sorry if I'm being defensive, but I did not – this is not true. (Tr. 153-154)

Applicant was also confronted by statements in Dr. K's report that Applicant attempted suicide in 2014 as described in Dr. W's report. During the DOHA hearing, Applicant explained that he described Dr. B's evaluation as a "biased ambush" because he believed it relied on Dr. W's pre-sentencing evaluation and "exaggerated language." He felt Dr. B did not explore the positive circumstances in his life. (AE P at 2-3; Tr. 46, 47, 151-152)

Financial Considerations

The SOR alleges financial considerations security concerns arising from Applicant's four delinquent accounts (SOR ¶¶ 5.a.-5.d.) and his failure to timely file his federal income tax (FIT) returns for tax years (TY) 2016, 2017, and 2018, as required (SOR ¶ 5.e.).

SOR ¶ 5.a. This credit-card account was placed for collection in the approximate amount of $12,240. On May 5, 2025, Applicant completed his settlement payments totaling $5,000, and this debt was resolved. (Answer at 157; GE 8 at 3, GE 9; AE E; Tr. 211)

SOR ¶ 5.b. This credit-card account was charged off in the approximate amount of $7,332. In April 2025, Applicant entered into an agreement to pay $143 monthly for 36 months. He credibly testified that he has adhered to the payment plan and owes approximately $3,500 in payments. (Answer at 41; GE 9; AE E; Tr. 61-62, 211)

SOR ¶ 5.c. This credit-card account was placed for collection in the approximate amount of $2,767. This debt was settled as of December 11, 2024 for $1,107. (Answer at 159; GE 8, GE 9; AE E; Tr. 212)

SOR ¶ 5.d. This credit-card account was charged off in the approximate amount of $2,495. On April 8, 2025, Applicant settled this account for $1,498. (Answer at 42; GE 8; AE E; Tr. 212)

SOR ¶ 5.e. On his February 2023 e-QIP, Applicant reported that he had not filed his FIT returns for TY 2016, 2017, and 2018. In his March 2025 response to DOHA interrogatories, he confirmed that he had failed to timely file these FIT returns. With his Answer, he provided April 2025 receipts from his tax preparer showing that his TY 2016, 2017, and 2018 FIT returns had been prepared. He owed $2,885 for TY 2016, owed $3,726 for TY 2017, and was due a refund of $720 for TY 2018. He also provided receipts purporting to show that these returns were sent to the IRS by certified mail. At the DOHA hearing, Applicant testified that all of his unfiled returns had been filed in April 2025 and all taxes had been paid. The IRS transcripts for TY 2017 and TY 2018 established that the returns had been filed and no taxes were outstanding. (Answer at 52-58; GE 1, GE 5 at 15; AE G; AE N, AE O, AE U; Tr. 57, 213-218)

At the DOHA hearing, Applicant testified that he experienced financial hardship as he dealt with underemployment and unemployment in late 2017. He explained that he had been laid off and had started his own business, which complicated his tax filing. His filings were also delayed as he dealt with his criminal charges and then was incarcerated. He testified that he owed "several thousand dollars" to the IRS but he had paid all delinquent taxes. As of the hearing, he was awaiting documentation confirming that he had filed and paid TY 2016. He provided documentary evidence that his FIT returns for TY 2020 through 2023 were timely filed and no taxes owed. (Tr. 57-61, 210; GE 5 at 1107)

In April 2021, Applicant engaged the services of a debt-relief firm (DRF) for "debt-validation services." Through the DRF program, he paid $250 monthly, beginning in April 2021, to address and resolve several delinquent accounts, including SOR ¶¶ 5.a.-5.d. There is no documentary evidence showing completed payments to the DRF. (Answer at 62-65; AE F)

In addition to the four alleged delinquent accounts, Applicant settled two unalleged accounts in June 2024. Through the FreshStart program with the Department of Education, he also rehabilitated his student loans to current status with monthly $246 payments beginning in October 2024. His monthly student loan payments later increased to $305. His March 2025, February 2026, and March 2026 credit reports list no delinquent accounts. (GE 2, GE 5 at 1097-1098, 1103, 1105, 1111, 1115; GE 8-10; AE L, AE M, AE T; Tr. 65-66)

Drug Involvement and Substance Misuse

The SOR alleges drug involvement and substance misuse security concerns based upon Applicant's illegal use and purchase of marijuana between June 1996 and August 2024 (SOR ¶ 2.a.).

As of his June 2023 security interview with an OPM investigator, Applicant had smoked marijuana two or three times a month during the summer of 1996, used marijuana as many as three times a month between 2004 and May 2008, used marijuana two or three times between June 2013 and June 2014, and had last used marijuana in 2016. In his November 2024 addendum to his February 2023 e-QIP, Applicant admitted that he intentionally consumed cannabis edibles in August 2024. In his March 2025 response to DOHA interrogatories, he admitted that he had used cocaine twice in June 2017 and had purchased marijuana twice, in July and August 2024. He acknowledged that he had been aware since January 2014 that marijuana was illegal under federal drug laws. He claimed that he had disassociated himself from individuals who used illegal drugs, with the exception of cannabis. In his Answer, he included a signed statement of intent to abstain from illegal drugs in the future. (Answer at 14; GE 2, GE 4, GE 5 at 19, 28, 52-59, 74-75)

At the DOHA hearing, Applicant admitted that he first used marijuana around June 1996, while in high school. He did not use marijuana while in the USMC. He estimated that he used marijuana approximately 40 to 50 times between 2004 and 2016. He

admitted using marijuana again in August 2024. When confronted about his reasons for using marijuana in August 2024, given the ongoing security investigation, he responded that acquaintances had recommended that he use marijuana for its rehabilitative benefits to reduce his alcohol consumption. He admitted that his recent marijuana use was a lapse in judgment and claimed he only used it "one time." (Tr. 40-43, 147-150)

On February 27, 2026, Applicant participated in a drug urinalysis screening. He tested negative for cannabinoids, opiates, oxycodone, benzos, and fentanyl. (AE Q)

Whole Person

Applicant's father and a former supervisor testified in support of his clearance eligibility. His former supervisor worked with Applicant for about a year. He praised his trustworthiness and technical abilities, and he had observed no issues with alcohol. Applicant's father, who also submitted a character-reference letter, was aware of Applicant's toxic relationship with S and with Applicant's problematic alcohol consumption. He is supportive of Applicant's sobriety, and he has observed Applicant's growth and gained insight since his release from incarceration. He testified that his son avoids social gatherings where alcohol is present, and he considers his son to be trustworthy. (Tr. 225-230, 242-253)

Applicant proffered several character-reference letters in support of his clearance eligibility, and multiple letters were both in his response to DOHA interrogatories and attached to his Answer. Two former colleagues praised his work ethic, dedication, trustworthiness, and integrity. A third former colleague described Applicant as "very thorough," honest, ethical, and reliable. A fourth former colleague, from a position over 10 years ago, attested to Applicant's "excellent relations" with his colleagues. (Answer at 120-121, 128-129; GE 5 at 1082, 1083)

Applicant's father, a family friend, a longtime friend, and girlfriend (F) submitted letters in support. They praised his trustworthiness, honesty, integrity, intelligence, humility, communication skills, friendliness, and perseverance. The family friend opined that he believed Applicant had overcome his substance abuse issues. (Answer; 126, 127, 136-138; GE 5 at 1080-1087)

Applicant also submitted a performance review, spanning his work from June to December 2023. He met all expectations, and his rater noted that he was motivated, personable, and doing an excellent job. During his military service, Applicant was awarded a Good Conduct Medal. (Answer at 142-154; GE 5 at 1095, 1109)

Administrative Notice

The DSM-5 outlines the diagnostic criteria for an AUD diagnosis. "A problematic pattern of alcohol use leading to clinically significant impairment" is defined by the occurrence of 2 of 11 symptoms or circumstances within a 12-month period. The presence of six or more symptoms indicates that the severity of the AUD is "severe."

"Sustained remission" requires that none of the criteria for AUD have been met at any time during the previous 12 months or longer. Neither party contested the diagnoses of AUD, severe, or AUD, severe, in sustained remission. (AN I)

Policies

When evaluating an applicant's suitability for a security clearance, the administrative judge must consider the adjudicative guidelines. In addition to brief introductory explanations for each guideline, the adjudicative guidelines list potentially disqualifying conditions and mitigating conditions, which are to be used in evaluating an applicant's eligibility for access to classified information.

These guidelines are not inflexible rules of law. Instead, recognizing the complexities of human behavior, administrative judges apply the guidelines in conjunction with the factors listed in the adjudicative process. The administrative judge's overarching adjudicative goal is a fair, impartial, and commonsense decision. According to AG ¶ 2(a), the entire process is a conscientious scrutiny of a number of variables known as the "whole-person concept." The administrative judge must consider all available, reliable information about the person, past and present, favorable and unfavorable, in making a decision.

The protection of the national security is the paramount consideration. AG ¶ 2(b) requires that "[a]ny doubt concerning personnel being considered for national security eligibility will be resolved in favor of the national security."

Under Directive ¶ E3.1.14, the Government must present evidence to establish controverted facts alleged in the SOR. Under Directive ¶ E3.1.15, the applicant is responsible for presenting "witnesses and other evidence to rebut, explain, extenuate, or mitigate facts admitted by the applicant or proven by Department Counsel." The applicant has the ultimate burden of persuasion to obtain a favorable security decision.

A person who seeks access to sensitive information enters into a fiduciary relationship with the Government predicated upon trust and confidence. This relationship transcends normal duty hours and endures throughout off-duty hours. The Government reposes a high degree of trust and confidence in individuals to whom it grants access to sensitive information. Decisions include, by necessity, consideration of the possible risk the applicant may deliberately or inadvertently fail to safeguard sensitive information. Such decisions entail a certain degree of legally permissible extrapolation of potential, rather than actual, risk of compromise of sensitive information.

Section 7 of EO 10865 provides that adverse decisions shall be "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." *See also* EO 12968, Section 3.1(b) (listing multiple prerequisites for access to classified or sensitive information).

Analysis

Guideline F: Financial Considerations

The security concern for financial considerations is set out in AG ¶ 18:

> Failure to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. Financial distress can also be caused or exacerbated by, and thus can be a possible indicator of, other issues of personnel security concern such as excessive gambling, mental health conditions, substance misuse, or alcohol abuse or dependence. An individual who is financially overextended is at greater risk of having to engage in illegal or otherwise questionable acts to generate funds. . . .

The guideline notes several conditions that could raise security concerns under AG ¶ 19. The following are potentially applicable in this case:

> (a) inability to satisfy debts;
>
> (c) a history of not meeting financial obligations; and
>
> (f) failure to file or fraudulently filing annual Federal, state, or local income tax returns or failure to pay annual Federal, state, or local income tax as required.

Applicant admitted the four delinquent accounts, totaling approximately $24,800, and his failure to timely file his FIT returns for TY 2016, 2017, and 2018. AG ¶¶ 19(a), 19(c), and 19(f) apply.

Conditions that could mitigate financial considerations security concerns are provided under AG ¶ 20. The following are potentially applicable in this case:

> (a) the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;
>
> (b) the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, a death, divorce or separation, clear victimization by predatory lending practices, or identity theft), and the individual acted responsibly under the circumstances;
>
> (c) the individual has received or is receiving financial counseling for the problem from a legitimate and credible source, such as a non-profit credit

counseling service, and there are clear indications that the problem is being resolved or is under control; and

(d) the individual has initiated and is adhering to a good-faith effort to repay overdue creditors or otherwise resolve debts.

The DOHA Appeal Board concisely explained Applicant's responsibility for proving the applicability of mitigating conditions as follows:

> Once a concern arises regarding an Applicant's security clearance eligibility, there is a strong presumption against the grant or maintenance of a security clearance. *See Dorfmont v. Brown*, 913 F. 2d 1399, 1401 (9th Cir. 1990), *cert. denied*, 499 U.S. 905 (1991). After the Government presents evidence raising security concerns, the burden shifts to the applicant to rebut or mitigate those concerns. *See* Directive ¶ E3.1.15. The standard applicable in security clearance decisions is that articulated in *[Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988)], *supra*. "Any doubt concerning personnel being considered for access to classified information will be resolved in favor of the national security." Directive, Enclosure 2 ¶ 2(b). (ISCR Case No. 10-04641 at 4 (App. Bd. Sept. 24, 2013))

Applicant bears the burdens of production and persuasion in mitigation. An applicant is not held to a standard of perfection in his or her debt-resolution efforts or required to be debt-free. "Rather, all that is required is that an applicant act responsibly given his circumstances and develop a reasonable plan for repayment, accompanied by 'concomitant conduct,' that is, actions which evidence a serious intent to effectuate the plan." ISCR Case No. 15-02903 at 3 (App. Bd. Mar. 9, 2017). *See*, *e.g.*, ISCR Case No. 13-00987 at 3, n.5 (App. Bd. Aug. 14, 2014).

Applicant credibly testified about his periods of unemployment and underemployment following two layoffs. His finances were also impacted by his criminal proceedings; however, his admitted criminal conduct cannot be considered as a circumstance beyond his control. He established that he settled three of the accounts and has adhered to monthly payments since April 2025 on the fourth account (SOR ¶ 5.c.). He provided documentary evidence that his FIT returns for TY 2017 and 2018 are filed and all taxes paid. He credibly testified and provided circumstantial evidence (certified mail receipts) that his FIT return for TY 2016 was filed in April 2025, and all taxes have been paid. He demonstrated that he overcame some circumstances beyond his control to address and resolve his delinquent accounts, to file his FIT returns, and to pay his federal taxes. AG ¶ 20(d) applies. He mitigated the financial considerations security concerns.

Guideline H: Drug Involvement and Substance Misuse

The security concern for drug involvement is set out in AG ¶ 24:

> The illegal use of controlled substances, to include the misuse of prescription and non-prescription drugs, and the use of other substances that cause physical or mental impairment or are used in a manner inconsistent with their intended purpose can raise questions about an individual's reliability and trustworthiness, both because such behavior may lead to physical or psychological impairment and because it raises questions about a person's ability or willingness to comply with laws, rules, and regulations. *Controlled substance* means any "controlled substance" as defined in 21 U.S.C. 802. *Substance misuse* is the generic term adopted in this guideline to describe any of the behaviors listed above.

Director of National Intelligence (DNI) Memorandum ES 2014-00674, "Adherence to Federal Laws Prohibiting Marijuana Use," October 25, 2014, states:

> [C]hanges to state laws and the laws of the District of Columbia pertaining to marijuana use do not alter the existing National Security Adjudicative Guidelines. . . . An individual's disregard of federal law pertaining to the use, sale, or manufacture of marijuana remains adjudicatively relevant in national security determinations. As always, adjudicative authorities are expected to evaluate claimed or developed use of, or involvement with, marijuana using the current adjudicative criteria. The adjudicative authority must determine if the use of, or involvement with, marijuana raises questions about the individual's judgment, reliability, trustworthiness, and willingness to comply with law, rules, and regulations, including federal laws, when making eligibility decisions of persons proposed for, or occupying, sensitive national security positions.

In 2021, the Security Executive Agent (SecEA) promulgated clarifying guidance concerning marijuana-related issues in security clearance adjudications. It states in pertinent part:

> [Federal] agencies are instructed that prior recreational marijuana use by an individual may be relevant to adjudications but not determinative. The SecEA has provided direction in [the adjudicative guidelines] to agencies that requires them to use a "whole-person concept." This requires adjudicators to carefully weigh a number of variables in an individual's life to determine whether that individual's behavior raises a security concern, if at all, and whether that concern has been mitigated such that the individual may now receive a favorable adjudicative determination. Relevant mitigations include, but are not limited to, frequency of use and whether the individual can demonstrate that future use is unlikely to recur, including by signing an attestation or other such appropriate mitigation. Additionally, in light of the long-standing federal law and policy prohibiting illegal drug use while occupying a sensitive position or holding a security clearance, agencies are encouraged to advise prospective national security workforce

> employees that they should refrain from any future marijuana use upon initiation of the national security vetting process, which commences once the individual signs the certification contained in the Standard Form 86 (SF-86), Questionnaire for National Security Positions.[2]

The guideline notes several conditions that could raise security concerns under AG ¶ 25. The following are potentially applicable:

> (a) any substance misuse; and
>
> (c) illegal possession of a controlled substance, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia; and

Applicant admitted using marijuana approximately 40 to 50 times between 1996 and 2016 and at least two times in July and August 2024. He also admitted purchasing marijuana twice, in July and August 2024. AG ¶¶ 25(a) and 25(c) apply.

Conditions that could mitigate the drug involvement security concerns are provided under AG ¶ 26. The following are potentially applicable:

> (a) the behavior happened so long ago, was so infrequent, or happened under such circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or good judgment; and
>
> (b) the individual acknowledges his or her drug involvement and substance misuse, provides evidence of actions taken to overcome this problem, and has established a pattern of abstinence, including, but not limited to:
>
> > (1) disassociation from drug-using associates and contacts;
> >
> > (2) changing or avoiding the environment where drugs were used; and
> >
> > (3) providing a signed statement of intent to abstain from all drug involvement and substance misuse, acknowledging that any future involvement or misuse is grounds for revocation of national security eligibility.

Applicant committed a significant lapse in judgment when he purchased and used marijuana twice in July and August 2024. This conduct occurred while he was aware of its illegality and while his clearance investigation was ongoing. I have considered that he had not otherwise used any illegal drugs since June 2017 (cocaine) and that he had been

[2] *Security Executive Agent Clarifying Guidance Concerning Marijuana for Agencies Conducting Adjudications of Persons Proposed for Eligibility for Access to Classified Information or Eligibility to Hold a Sensitive Position*, dated December 21, 2021 (SecEA Clarifying Guidance), at p. 2.

experiencing career stressors at the time. Most importantly, it has been approximately 18 months since his illegal drug use. He has submitted a signed statement of intent to abstain from all drug involvement in the future. AG ¶¶ 26(a) and 26(b) apply. He mitigated the drug involvement and substance misuse concerns.

Guideline J: Criminal Conduct

The security concern for criminal conduct is set out in AG ¶ 30:

> Criminal activity creates doubt about a person's judgment, reliability, and trustworthiness. By its very nature, it calls into question a person's ability or willingness to comply with laws, rules, and regulations.

AG ¶ 31 describes conditions that could raise a security concern and may be disqualifying. The following are potentially applicable:

> (a) a pattern of minor offenses, any of which on its own would be unlikely to affect a national security eligibility decision, but which in combination cast doubt on the individual's judgment, reliability, or trustworthiness; and
>
> (b) evidence (including, but not limited to, a credible allegation, an admission, and matters of official record) of criminal conduct, regardless of whether the individual was formally charged, prosecuted, or convicted.

The record evidence established Applicant's criminal conduct spanning August 1998 to January 2018. In several instances, the charges against Applicant were later dismissed; however, he nonetheless admitted the underlying criminal conduct. As to the alcohol-related offenses, Applicant admitted that he twice operated a motor vehicle while impaired by alcohol and that he was intoxicated during the incident with the game warden (SOR ¶ 4.g.). AG ¶¶ 31(a) and 31(b) apply.

Applicant repeatedly denied any threatening communications with S or S's mother; however, he admitted one email wherein he threatened to kill S if she caused him to go to jail (SOR ¶ 4.f.). He also knowingly and repeatedly violated the protective order prohibiting communication with S, because he did not respect the court that had issued the order and subsequent charges (SOR ¶¶ 4.c.-4.f.). Notwithstanding the dismissal of some of the criminal charges following counseling, education, and probation, the record evidence established that Applicant engaged in the underlying criminal conduct as to SOR ¶¶ 4.c. through 4.f. AG ¶¶ 31(a) and 31(b) apply.

As to SOR ¶ 4.b., Applicant was charged with violating a protective order in December 2017; however, these charges appear to have been mistakenly or improperly refiled. There is no evidence showing that Applicant had any communication with S or her family between November 2014 (SOR ¶ 4.c.) and September 2017 (when the November 2014 charges were dismissed). Furthermore, the second protective order expired in about November 2014. SOR ¶ 4.b. is found for Applicant.

As to SOR ¶ 4.a., Applicant admitted that he sent threatening messages to S and her parents, that he sent a message to a state prosecutor, and that he posted a comment on the YouTube page of a prosecutor's husband's band. The excerpt of these messages recited in the FBI agent's affidavit graphically detail violence against S and her family members and reasonably threaten the state prosecutors directly or indirectly. The affidavit also describes how S relocated out of concern for her safety and her parents hired armed security. AG ¶¶ 31(a) and 31(b) apply.

Conditions that could mitigate criminal conduct security concerns are provided under AG ¶ 32. The following are potentially applicable:

> (a) so much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment; and
>
> (d) there is evidence of successful rehabilitation; including, but not limited to, the passage of time without recurrence of criminal activity, restitution, compliance with the terms of parole or probation, job training or higher education, good employment record, or constructive community involvement.

Since his release from incarceration, Applicant has resumed his engineering career, earning praise from his former supervisor and colleagues. He also proffered several character-reference letters in support of his clearance eligibility. In October 2025, he passed an engineering licensing exam. Over the past several years, he has resolved his financial delinquencies, and he has abstained from alcohol and illegal drugs. I have considered this evidence of successful rehabilitation.

The evaluation of whether Applicant has sufficiently demonstrated successful rehabilitation to overcome the criminal conduct concerns requires the analysis of the span and gravity of his criminal conduct. He was charged with several criminal offenses between August 1998 and January 2018; however, his criminal conduct actually spanned from his unalleged DUI offense in 1997 to his illegal drug use in August 2024. I have also considered Applicant's knowing and repeated violation of the protective orders due to his disrespect or disregard for the court in State A and his knowing and repeated violation of the federal probation condition, despite the potential for imprisonment.

I must also consider the gravity of Applicant's criminal conduct when evaluating whether he has provided sufficient evidence of successful rehabilitation. As discussed above, notwithstanding significant stressors and hardships for his finances and career, Applicant repeatedly, graphically threatened violence against S, her family members, and the state prosecutors. This conduct continued for several weeks, and there is no indication that Applicant took any steps to stop or curb this behavior as he spiraled in late 2017 and early 2018.

A critical aspect of this case is the extent to which Applicant has accepted responsibility for his criminal conduct. "Where an applicant is unwilling or unable to accept responsibility for his or her own actions, such a failure is evidence that detracts from a finding of reform and rehabilitation." ISCR Case No. 96-0360 at 3 (App. Bd. Sep. 25, 1997). Applicant has accepted responsibility for his alcohol-related offenses. As to the violations of the protective orders and the January 2018 offenses, he has admitted the underlying criminal conduct. In the pre-sentencing memorandum, he apologized for "the vile, caustic, and threatening messages that I sent."

In his February 2023 e-QIP, he stated that his messages were "in jest" and that his charges were due to a "biased court." In his March 2025 response to DOHA interrogatories, he accepted responsibility in the federal case but contended he did not deserve the "excessive sentence." In that same response, he denied sending threatening emails to S, described the state prosecution of the violation of protective order charges as a "sham prosecution and a kangaroo court." At the DOHA hearing, he reiterated that the messages in 2018 were sent "in jest," but acknowledged that the recipients reasonably experienced fear and discomfort. I cannot consider Applicant's statements accepting responsibility without also considering his statements that minimize his culpability or shift responsibility to others. *See* ISCR Case No. 16-02069 at 2 (App. Bd. Jan. 11, 2018) ("When weighing the evidence, the Judge must consider the evidence as a whole and not view it in an isolated and piecemeal fashion.") I recognize the extreme hardship he was experiencing during the criminal proceedings in State A; however, he repeatedly and knowingly violated court orders prohibiting contact with S and her family members. His equivocal or wavering acceptance of responsibility undercuts the favorable evidence in mitigation.

Notwithstanding some evidence of successful rehabilitation, Applicant's alcohol consumption on probation, his illegal drug use in 2024, his wavering acceptance of responsibility, and the seriousness of his criminal conduct continue to cast doubt on his trustworthiness, reliability, and good judgment. He did not mitigate the criminal conduct security concerns.

Guideline I: Psychological Conditions

The security concern for psychological conditions is set out in AG ¶ 27:

> Certain emotional, mental, and personality conditions can impair judgment, reliability, or trustworthiness. A formal diagnosis of a disorder is not required for there to be a concern under this guideline. A duly qualified mental health professional (e.g., clinical psychologist or psychiatrist) employed by, or acceptable to and approved by the U.S. Government, should be consulted when evaluating potentially disqualifying and mitigating information under this guideline and an opinion, including prognosis, should be sought. No negative inference concerning the standards in this guideline may be raised solely on the basis of mental health counseling.

The guideline notes several conditions that could raise security concerns under AG ¶ 28. The following are potentially applicable in this case:

> (a) behavior that casts doubt on an individual's judgment, stability, reliability, or trustworthiness, not covered under any other guideline and that may indicate an emotional, mental, or personality condition, including, but not limited to, irresponsible, violent, self-harm, suicidal, paranoid, manipulative, impulsive, chronic lying, deceitful, exploitative, or bizarre behaviors;
>
> (b) an opinion by a duly qualified mental health professional that the individual has a condition that may impair judgment, stability, reliability, or trustworthiness;
>
> (c) voluntary or involuntary inpatient hospitalization; and
>
> (d) failure to follow a prescribed treatment plan related to a diagnosed psychological/psychiatric condition that may impair judgment, stability, reliability, or trustworthiness, including, but not limited to, failure to take prescribed medication or failure to attend required counseling sessions.

The record evidence established that, in 2014, Applicant had suicidal ideation and took some steps in furtherance of a plan to attempt suicide. He admitted the ideation and the "preparatory steps," but he denied any attempt. In the pre-sentencing psychiatric evaluation, Dr. W quotes Applicant as saying, "[It almost worked], but I came to and realized that I almost died, . . . and I realized that I was gonna die and was weak from it." This evaluation was submitted on Applicant's behalf and with Applicant's knowledge prior to his sentencing. AG ¶ 28(a) applies.

In November 2017, Applicant voluntarily sought help at a VA Medical Center. He admitted suicidal ideation at the time. He was medicated, admitted for mental-health treatment, and released the following day. AG ¶ 28(c) applies.

In August 2022, Applicant sent a text message to his mother stating that he should consider shooting himself given the recent stressors. Law enforcement officers responded for a welfare check. He refused their entry and to go to the hospital for evaluation. He resisted the officers, was tased, and was taken to the hospital. He recanted his prior suicidal ideation and was released. AG ¶ 28(a) applies.

In July 2024, Applicant was evaluated by Dr. B, a licensed psychologist. Dr. B concluded that, due to the recency and severity of the felony conduct, ongoing alcohol misuse, demonstrated impulsivity, and suicidal ideation, concerns remained as to his judgment, reliability, and trustworthiness. She diagnosed him with AUD, severe. Given the intertwined nature of Applicant's problematic alcohol consumption and his mental-health symptoms, AG ¶ 28(b) applies.

Conditions that could mitigate the psychological conditions security concerns are provided under AG ¶ 29. The following are potentially applicable:

> (a) the identified condition is readily controllable with treatment, and the individual has demonstrated ongoing and consistent compliance with the treatment plan;
>
> (b) the individual has voluntarily entered a counseling or treatment program for a condition that is amenable to treatment, and the individual is currently receiving counseling or treatment with a favorable prognosis by a duly qualified mental health professional;
>
> (c) recent opinion by a duly qualified mental health professional employed by, or acceptable to and approved by, the U.S. Government that an individual's previous condition is under control or in remission, and has a low probability of recurrence or exacerbation;
>
> (d) the past psychological/psychiatric condition was temporary, the situation has been resolved, and the individual no longer shows indications of emotional instability; and
>
> (e) there is no indication of a current problem.

The record evidence established that Applicant's problematic alcohol consumption was intertwined with and exacerbated his mental-health symptoms. From September 2024 to November 2024, Applicant attended and completed alcohol rehabilitation and began some aftercare counseling. He began taking medication to inhibit alcohol cravings and psychiatric medication for depression symptoms. On his own, Applicant stopped taking the antidepressant on February 4, 2025. On February 6, 2025, Dr. S noted that Applicant's cessation of his psychiatric medication, without a controlled and medically supervised taper, could cause him to relapse into alcohol consumption. Applicant did not adhere to the supervised taper as Dr. S recommended. In May 2025, Dr. S observed that Applicant, through self-reporting, had maintained his sobriety since September 21, 2024, had been compliant with treatment, and proffered a "very good prognosis." In her January 2026 evaluation, Dr. K reviewed the evaluations of Dr. B and Dr. W and noted Applicant's 2014 suicide attempt and the August 2022 incident. She concluded that Applicant met the criteria for a diagnosis of AUD, severe, in sustained remission, and she gave him a "very good prognosis." She did not identify any other current psychological condition, treated or untreated, that may impair Applicant's judgment, stability, reliability, or trustworthiness. Notwithstanding concerns about Applicant's self-initiated cessation of his antidepressant and his minimization of the 2014 and August 2022 incidents, several clinicians have evaluated him since he abstained from alcohol in September 2024 and have not identified a psychological condition that remains a security concern. He has continued with quarterly medication management with the VA (Dr. S) and monthly counseling (primarily substance abuse counseling) with Ms. D. AG ¶¶ 29(a), 29(b), and 29(c) apply. Applicant mitigated the psychological conditions security concerns.

Guideline G: Alcohol Consumption

The security concern for alcohol consumption is set out in AG ¶ 21:

> Excessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses and can raise questions about an individual's reliability and trustworthiness.

The guideline notes several conditions that could raise security concerns under AG ¶ 22. The following is potentially applicable in this case:

> (a) alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, disturbing the peace, or other incidents of concern, regardless of the frequency of the individual's alcohol use or whether the individual has been diagnosed with alcohol use disorder;
>
> (c) habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed with alcohol use disorder;
>
> (d) diagnosis by a duly qualified medical or mental health professional (e.g., physician, clinical psychologist, psychiatrist, or licensed clinical social work) or alcohol use disorder;
>
> (f) alcohol consumption, which is not in accordance with treatment recommendations, after a diagnosis of alcohol use disorder;
>
> (g) failure to follow any court order regarding alcohol education, evaluation, treatment, or abstinence.

As discussed above, Applicant twice engaged in drunk driving and once engaged in public intoxication. The record describes periods of binge drinking in on several occasions, beginning in 1997, frequently in 2017, and again between June and September 2024. He last consumed alcohol to intoxication on September 20, 2024. He admitted experiencing blackouts on several occasions due to alcohol consumption. He was diagnosed with AUD, severe, by Dr. W, during RDAP, by Mr. D, Dr. S, Dr. B, Dr. SW, and Dr. K. At the DOHA hearing, Applicant admitted that he was advised to abstain from alcohol during RDAP; however, he resumed alcohol consumption. He consumed alcohol while participating in alcohol counseling with Mr. D. He admitted consuming alcohol on approximately 12 occasions in knowing violation of the conditions of his probation. AG ¶¶ 22(a), 22(c), 22(d), 22(f), and 22(g) apply.

Conditions that could mitigate the alcohol consumption security concerns are provided under AG ¶ 23. The following are potentially applicable:

(a) so much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or judgment; and

(b) the individual acknowledges his or her pattern of maladaptive alcohol use, provides evidence of actions taken to overcome this problem, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations;

(c) the individual is participating in counseling or a treatment program, has no previous history of treatment and relapse, and is making satisfactory progress in a treatment program; and

(d) the individual has successfully completed a treatment program along with any required aftercare, and has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations.

In addition to the three alleged alcohol-related offenses, Applicant admitted a third drunk driving charge in 1997. He admitted to using alcohol as a coping mechanism for the stressors in his life for several years. Despite several clinicians advising him to abstain from alcohol – Dr. W, the RDAP program, Mr. D, and Dr. B – he continued to consume alcohol. His alcohol consumption persisted notwithstanding clear connections between alcohol and his criminal conduct, concerns raised by family members, and his vulnerability to imprisonment due to a probation violation. He continued to consume alcohol following his July 2024 psychological evaluation which was largely focused on his alcohol consumption as part of his background investigation.

Applicant's successful completion of alcohol rehabilitation and his participation in aftercare counseling are favorable evidence in mitigation. He remains engaged in monthly substance abuse counseling with Ms. D and receives medication to curb alcohol cravings. He has maintained his sobriety since September 21, 2024, and he avoids social gatherings where alcohol is present. Dr. S, Dr. K, Dr. SW, Dr. V, and Dr. F all provided favorable prognoses.

There is no bright-line rule for measuring a sufficient pattern of abstinence from alcohol. The record evidence established Applicant's problematic alcohol consumption spanning over two decades. While Applicant expressed his commitment to sobriety, he made several comments that indicate he does not grasp the gravity of his alcohol problem. He does not consider himself addicted to alcohol or to be an alcoholic. As recently as September 2024, he believed he could consume alcohol in moderation. I have also considered that he previously abstained from alcohol from January 2018 until April 2021, yet he resumed alcohol consumption. Applicant has presented considerable favorable evidence in mitigation; however, given the length and severity of his problematic

alcohol consumption, he has not sufficiently established a pattern of abstinence. He did not mitigate the alcohol consumption security concerns.

Guideline E: Personal Conduct

The concern under this guideline is set out in AG ¶ 15:

> Conduct involving questionable judgment, lack of candor, dishonesty or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information. . . .

The guideline notes several conditions that could raise security concerns under AG ¶ 16. The following disqualifying condition is potentially applicable in this case:

> (c) credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information; and
>
> (d) credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the individual may not properly safeguard classified or sensitive information. . . .

As discussed above, Applicant did not mitigate the criminal conduct and alcohol consumption security concerns. Therefore, AG ¶ 16(c) does not apply.

SOR ¶ 6.a. cross-alleged conduct explicitly covered under Guidelines G and J. Therefore, AG ¶ 16(d) does not apply. The Government did not establish personal conduct security concerns not otherwise covered and found sufficient for an adverse determination under other guidelines.

Whole-Person Concept

Under the whole-person concept, the administrative judge must evaluate an applicant's eligibility for access to classified information by considering the totality of the applicant's conduct and all relevant circumstances. The administrative judge should consider the nine adjudicative process factors listed at AG ¶ 2(d):

(1) the nature, extent, and seriousness of the conduct; (2) the circumstances surrounding the conduct, to include knowledgeable participation; (3) the frequency and recency of the conduct; (4) the individual's age and maturity at the time of the conduct; (5) the extent to which participation is voluntary; (6) the presence or absence of rehabilitation and other permanent behavioral changes; (7) the motivation for the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence.

Under AG ¶ 2(c), the ultimate determination of whether to grant eligibility for a security clearance must be an overall commonsense judgment based upon careful consideration of the guidelines and the whole-person concept. I considered the potentially disqualifying and mitigating conditions in light of all the facts and circumstances surrounding this case. I have incorporated my comments under Guidelines E, F, G, H, I, J, and the factors in AG ¶ 2(d) in this whole-person analysis.

Applicant honorably served in the USMC and excelled in his educational and professional engineering endeavors. He proffered several character-reference letters in support of his clearance eligibility. He mitigated the financial considerations, psychological conditions, and drug involvement and substance misuse security concerns. The Government did not establish personal conduct security concerns not otherwise covered and found sufficient for an adverse determination under other guidelines.

Applicant's volatile relationship and problematic alcohol consumption contributed to criminal conduct spanning from 1998 to January 2018, and he continued to violate the conditions of his probation and use illegal drugs following his release. Notwithstanding some favorable evidence of successful rehabilitation, Applicant wavers on accepting responsibility for his knowing and repeated criminal offenses and his threatening communications. He has committed to abstaining from alcohol; however, he has not yet established a pattern of abstinence given his history of problematic alcohol consumption. Doubts remain about his trustworthiness, reliability, and good judgment in regard to alcohol consumption and criminal conduct security concerns. As discussed above, the Directive, the holding in *Dorfmont*, and DOHA Appeal Board caselaw require me to resolve any doubts in favor of national security.

This decision should not be construed as a determination that Applicant cannot obtain a security clearance in the future. With an established pattern of abstinence, successful rehabilitation, and unequivocal acceptance of responsibility for his criminal conduct and poor judgment, he may overcome the aforementioned concerns.

Formal Findings

Formal findings for or against Applicant on the allegations set forth in the SOR, as required by section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1, Guideline G:	AGAINST APPLICANT

Subparagraphs 1.a.-1.g.:	Against Applicant
Paragraph 2, Guideline H:	FOR APPLICANT
Subparagraph 2.a.:	For Applicant
Paragraph 3, Guideline I:	FOR APPLICANT
Subparagraphs 3.a.-3.d.:	For Applicant
Paragraph 4, Guideline J:	AGAINST APPLICANT
Subparagraph 4.a.:	Against Applicant
Subparagraph 4.b.:	For Applicant
Subparagraphs 4.c.-4.g.:	Against Applicant
Paragraph 5, Guideline F:	FOR APPLICANT
Subparagraphs 5.a.-5.e.:	For Applicant
Paragraph 6, Guideline E:	FOR APPLICANT
Subparagraph 6.a.:	For Applicant

Conclusion

In light of all of the circumstances presented by the record in this case, I conclude that it is not clearly consistent with the interests of national security to grant Applicant eligibility for a security clearance. Eligibility for access to classified information is denied.

Eric H. Borgstrom
Administrative Judge